

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2000-938

January 9, 2001

BANGOR GAS COMPANY, L.L.C.
Application for Approval of Affiliated
Transaction with Sempra Energy Trading
Company and/or For Waiver or Exemption

ORDER AMENDING
BANGOR GAS'S 35-A M.R.S.A.
§ 707(3)(F) EXEMPTION

Welch, Chairman; Nugent and Diamond, Commissioners

I. SUMMARY

We amend Bangor Gas Company LLC's 35-A M.R.S.A. §707(3)(F) exemption from the prior approval requirements of section 707 to begin on the date it began providing general service, December 19, 2000, for 60 days until February 16, 2001, by which date we will rule on the pending affiliated transaction application.

II. BACKGROUND

On November 20, 2000, Bangor Gas Company (Bangor Gas or BGC) filed, pursuant to 35-A M.R.S.A. §707, an application for approval of a transaction with its affiliate, Sempra Energy Trading Company (SETC). BGC proposed to enter into a gas supply contract with SETC for the winter gas period, November 1, 2000 through April 30, 2001, under which gas prices would be set according to an index. In its application, Bangor Gas requested expeditious approval, exemption, and/or waiver of the statutory requirements for this gas supply contract.

On Monday, December 18, 2000, Bangor Gas explained that it needed an exemption from the requirements of § 707 to allow it to begin to serve that week. Bangor Gas stated that its service obligations could possibly begin as soon as December 20, 2000. Consequently, Bangor Gas requested an exemption pursuant to Section 707(3)(F) to allow it to obtain gas supplies under the contractual arrangement prior to receiving specific approval.

On Friday, December 22, 2000, we granted Bangor Gas an exemption pursuant to Section 707(3)(F) for 60 days from the date of our order, until February 20, 2001. After our deliberations on December 22, 2001, Bangor Gas requested that we make the exemption effective *nunc pro tunc* to December 19, 2000, the date Bangor Gas first provided gas service to its first residential customer.¹

¹ The Company made this request first by telephone to the Hearing Examiner, followed by a confirming e-mail on the same date, and, on the next business day, by letter.

III. DISCUSSION AND ANALYSIS

In our December 22nd Order we concluded that good cause exists to allow Bangor Gas to serve customers who seek or require service while our review of this affiliate arrangement is pending and granted our exemption from the date of our Order pursuant to Section 707(3)(F). Later that day, Bangor Gas indicated it actually had begun providing service to gas sales customers on December 19, 2000, and requested that we make its exemption pursuant to Section 707(3)(F) effective *nunc pro tunc* as of December 19, 2000.

We amend this exemption to be consistent with the date on which Bangor Gas now indicates it began providing service. However, we caution Bangor Gas to be more vigilant in ensuring that its communications on regulatory matters are timely, and to ensure they are acting in compliance with statutory requirements.

Accordingly, we

O R D E R

1. That Bangor Gas Company LLC be exempted from the provisions of 35-A M.R.S.A. §707, as allowed by subsection (3)(F) thereof, for 60 days, beginning December 19, 2000 until February 16, 2001.

Dated at Augusta, Maine, this 9th day of January, 2001.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.